

2013 DRAFTING REQUEST**Bill**

Received: **4/12/2013** Received By: **chanaman**
 Wanted: **As time permits** Same as LRB:
 For: **Rob Swearingen (608) 266-7141** By/Representing: **Dan**
 May Contact: Drafter: **chanaman**
 Subject: **Criminal Law - procedure** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Swearingen@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Add child enticement to forfeiture of property derived from crime; s. 973.075

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 4/15/2013	evinz 4/17/2013	phenry 4/17/2013	_____			
/P1	chanaman 4/18/2013	evinz 4/18/2013	phenry 4/18/2013	_____	sbasford 4/17/2013		
/P2	chanaman 4/25/2013	evinz 4/25/2013	rschluet 4/25/2013	_____	sbasford 4/18/2013		
/1				_____	mbarman	mbarman	

Vers. Drafted

Reviewed

Typed

Proofed

Submitted
4/25/2013

Jacketed
5/13/2013

Required

FE Sent For:

Not
needed

<END>

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/P2	chanaman 4/25/2013	evinz 4/25/2013	rschluet 4/25/2013	_____	sbasford 4/18/2013		
/1				_____	mbarman		

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				_____	4/25/2013		

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1 eev 4/25/13

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/P1				_____	sbasford 4/17/2013		

FE Sent For:

p2 evv 4/18/13 *4/18 ph*

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/?	chanaman 4/15/2013	/pl eev 4/17/13	4/17 ph	X			

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-21677
CMH:.....

P1
elv

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAI
xref J

general

1 **AN ACT** ...; **relating to:** seizure of property used in the crime of child enticement.

Analysis by the Legislative Reference Bureau

Under current law, certain property involved in the commission of a crime is subject to seizure and forfeiture through a proceeding. The forfeiture law applies to all property directly or indirectly derived from the commission of a crime. It also covers certain other property related to the commission of a crime, including: 1) a vehicle used to transport property used or received in committing a felony; 2) a vehicle used in committing a crime relating to prostitution; and 3) property used in committing a stalking offense or a criminal violation of a domestic abuse, child abuse, or harassment restraining order or injunction.

* This bill applies the forfeiture law to a vehicle used in the crime of child enticement and any property used or to be used in the commission of the crime of child enticement.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 973.075 (1) (b) 1m. h. of the statutes is created to read:

3 973.075 (1) (b) 1m. h. In the commission of a crime under s. 948.07.

4 **SECTION 2.** 973.075 (1) (bg) of the statutes is amended to read:

973.075 (1) (bg) Any property used or to be used in the commission of a crime under s. 943.74, 943.75 (2) or (2m), or 948.07, but if the property is encumbered by a bona fide perfected security interest that was perfected before the date of the commission of the current violation and the holder of the security interest neither had knowledge of nor consented to the commission of that violation, the holder of the security interest shall be paid from the proceeds of the forfeiture.

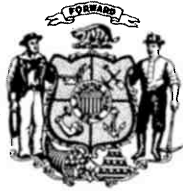
History: 1981 c. 267; 1985 a. 245, 258; 1987 a. 348; 1989 a. 263; 1993 a. 92, 169, 459, 491; 1995 a. 290, 448; 1997 a. 35, 285; 1999 a. 45, 51, 186; 2001 a. 16, 91.

SECTION 3. 973.075 (1) (bj) of the statutes is repealed.

SECTION 4. Initial applicability.

(1) This act first applies to crimes committed on the effective date of this subsection.

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2167/P1
CMH:eev:ph

Friday,
if possible

Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reyn cut

1 AN ACT to repeal 973.075 (1) (bj); to amend 973.075 (1) (bg); and to create
2 973.075 (1) (b) 1m. h. of the statutes; relating to: seizure of property used in
3 the crime of child enticement.

Analysis by the Legislative Reference Bureau

Under current law, certain property involved in the commission of a crime is subject to seizure and forfeiture through a proceeding. The forfeiture law applies to all property directly or indirectly derived from the commission of a crime. It also covers certain other property related to the commission of a crime, including: 1) a vehicle used to transport property used or received in committing a felony; 2) a vehicle used in committing a crime relating to prostitution; and 3) property used in committing a stalking offense or a criminal violation of a domestic abuse, child abuse, or harassment restraining order or injunction.

This bill applies the forfeiture law to a vehicle used in the crime of child enticement and any property used or to be used in the commission of the crime of child enticement. IN: A

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 973.075 (1) (b) 1m. h. of the statutes is created to read:
5 973.075 (1) (b) 1m. h. In the commission of a crime under s. 948.07.

SECTION 2. 973.075 (1) (bg) of the statutes is amended to read:

973.075 (1) (bg) Any property used or to be used in the commission of a crime under s. 943.74, 943.75 (2) or (2m), or 948.07, but if the property is encumbered by a bona fide perfected security interest that was perfected before the date of the commission of the current violation and the holder of the security interest neither had knowledge of nor consented to the commission of that violation, the holder of the security interest shall be paid from the proceeds of the forfeiture.

SECTION 3. 973.075 (1) (bj) of the statutes is repealed.

SECTION 4. Initial applicability.

(1) This act first applies to crimes committed on the effective date of this subsection.

(END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2167/P2ins
CMH:eev:ph

1 *Not* Insert A

2 Under this bill, if a law enforcement officer has probable cause to believe that
3 the vehicle or other property was used in the commission of the crime of child
4 enticement, he or she may seize the property without a court process.

5 Insert 2-9

6 ~~SECTION 1.~~ [✓] 973.075 (2) (d) of the statutes is amended to read:

7 973.075 (2) (d) The officer has probable cause to believe that the property was
8 derived from or realized through a crime, or was used in a crime under s. 948.07, or
9 that the property is a vehicle which was used to transport any property or weapon
10 used or to be used or received in the commission of any felony, which was used in the
11 commission of a crime relating to a submerged cultural resource in violation of s.
12 44.47, which was used in the commission of a crime under s. 948.07, or which was
used to cause more than \$2,500 worth of criminal damage to cemetery property in
violation of s. 943.01 (2) (d) or 943.012.

History: 1981 c. 267; 1985 a. 245, 258; 1987 a. 348; 1989 a. 263; 1993 a. [✓]2, 169, 459, 491, [✓]1995 a. 290, 448; 1997 a. 35, 285; 1999 a. 45, 51, 186; 2001 a. 16, 91.

****NOTE: Subsection (2) (intro.) and (d), as amended, provides discretion by
allowing the law enforcement officer to seize the vehicle or property without a court
process if the officer has probable cause to believe the vehicle or other property was used
in the crime of child enticement. Please review to ensure that this is what you intend.

Barman, Mike

From: Hanaman, Cathlene
Sent: Thursday, April 25, 2013 2:53 PM
To: LRB.Legal
Subject: RE: Draft review: LRB -2167/P2 Topic: Add child enticement to forfeiture of property derived from crime; s. 973.075

I asked, no answer. I am sending it through. He'll get a chance with the buttons momentarily.

From: LRB.Legal
Sent: Thursday, April 25, 2013 2:44 PM
To: Hanaman, Cathlene
Subject: FW: Draft review: LRB -2167/P2 Topic: Add child enticement to forfeiture of property derived from crime; s. 973.075

I assume they want this eventually jacketed?

Sarah Barford
Senior Program Assistant
Legislative Reference Bureau
1 East Main St., Suite 200
Madison, WI 53703
(608) 266-3561

From: Rep.Swearingen
Sent: Thursday, April 25, 2013 2:28 PM
To: LRB.Legal
Subject: RE: Draft review: LRB -2167/P2 Topic: Add child enticement to forfeiture of property derived from crime; s. 973.075

Please send us a /1

Thank you.

Daniel Perchinsky
Legislative Aide
Wisconsin State Assembly
Office of Representative, Rob Swearingen
34th Assembly District

From: LRB.Legal
Sent: Thursday, April 18, 2013 2:45 PM
To: Rep.Swearingen
Subject: Draft review: LRB -2167/P2 Topic: Add child enticement to forfeiture of property derived from crime; s. 973.075

Following is the PDF version of draft LRB -2167/P2.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2167/P2

CMH:eev:ph

Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

W. J. ...
today please

Repeal

- 1 AN ACT *to repeal* 973.075 (1) (bj); *to amend* 973.075 (1) (bg) and 973.075 (2) (d);
2 and *to create* 973.075 (1) (b) 1m. h. of the statutes; **relating to:** seizure of
3 property used in the crime of child enticement.

Analysis by the Legislative Reference Bureau

Under current law, certain property involved in the commission of a crime is subject to seizure and forfeiture. The forfeiture law applies to all property directly or indirectly derived from the commission of a crime. It also covers certain other property related to the commission of a crime, including: 1) a vehicle used to transport property used or received in committing a felony; 2) a vehicle used in committing a crime relating to prostitution; and 3) property used in committing a stalking offense or a criminal violation of a domestic abuse, child abuse, or harassment restraining order or injunction.

This bill applies the forfeiture law to a vehicle used in the crime of child enticement and any property used or to be used in the commission of the crime of child enticement. Under this bill, if a law enforcement officer has probable cause to believe that the vehicle or other property was used in the commission of the crime of child enticement, he or she may seize the property without a court process.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 SECTION 1. 973.075 (1) (b) 1m. h. of the statutes is created to read:

1 973.075 (1) (b) 1m. h. In the commission of a crime under s. 948.07.

2 **SECTION 2.** 973.075 (1) (bg) of the statutes is amended to read:

3 973.075 (1) (bg) Any property used or to be used in the commission of a crime
4 under s. 943.74, 943.75 (2) or (2m), or 948.07, but if the property is encumbered by
5 a bona fide perfected security interest that was perfected before the date of the
6 commission of the current violation and the holder of the security interest neither
7 had knowledge of nor consented to the commission of that violation, the holder of the
8 security interest shall be paid from the proceeds of the forfeiture.

9 **SECTION 3.** 973.075 (1) (bj) of the statutes is repealed.

10 **SECTION 4.** 973.075 (2) (d) of the statutes is amended to read:

11 973.075 (2) (d) The officer has probable cause to believe that the property was
12 derived from or realized through a crime, or was used in a crime under s. 948.07, or
13 that the property is a vehicle which was used to transport any property or weapon
14 used or to be used or received in the commission of any felony, which was used in the
15 commission of a crime relating to a submerged cultural resource in violation of s.
16 44.47, which was used in the commission of a crime under s. 948.07, or which was
17 used to cause more than \$2,500 worth of criminal damage to cemetery property in
18 violation of s. 943.01 (2) (d) or 943.012.

****NOTE: Subsection (2) (intro.) and (d), as amended, provides discretion by
allowing the law enforcement officer to seize the vehicle or property without a court
process if the officer has probable cause to believe the vehicle or other property was used
in the crime of child enticement. Please review to ensure that this is what you intend.

19 **SECTION 5. Initial applicability.**

20 (1) This act first applies to crimes committed on the effective date of this
21 subsection.

22 (END)

Barman, Mike

From: Perchinsky, Dan
Sent: Monday, May 13, 2013 10:11 AM
To: LRB.Legal
Subject: Draft Review: LRB -2167/1 Topic: Add child enticement to forfeiture of property derived from crime; s. 973.075

Please Jacket LRB -2167/1 for the ASSEMBLY.